

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOMITA TECHNOLOGIES USA, LLC, and
TOMITA TECHNOLOGIES INTERNATIONAL,
INC.,

Plaintiffs,

V.

NINTENDO CO., LTD. and NINTENDO OF AMERICA INC.

Defendants.

11 Civ. 04256 (JSR)
ECF Case

**NOTICE OF MOTION IN SUPPORT
OF DEFENDANTS' MOTION *IN
LIMINE* TO PRECLUDE TOMITA
FROM CONTRADICTING THE
FEDERAL CIRCUIT'S CLAIM
CONSTRUCTION**

PLEASE TAKE NOTICE that pursuant to Rule 9 of the Individual Rules of Practice of Hon. Jed. S. Rakoff, defendants Nintendo Co., Ltd. and Nintendo of America, Inc. (collectively, “Nintendo”) move this Court for an order precluding plaintiffs from contradicting the Federal Circuit’s claim construction at trial by arguing that the construction encompasses offsetting both left-eye and right-eye images.

In support of this motion, Nintendo shall rely upon this Notice of Motion, the Memorandum of Law in Support of Defendants' Motion *in Limine* to Preclude Tomita from Contradicting the Federal Circuit's Claim Construction, and the Declaration of James S. Blank, dated July 21, 2015, together with its exhibits.

In accordance with Rule 9 of the Individual Rules of Practice of Hon. Jed S. Rakoff, the anticipated schedule for service and filing of the parties' papers is as follows:

Nintendo's Motion July 21, 2015

Plaintiffs Tomita Technologies USA, LLC and July 28, 2015
Tomita Technologies International, Inc.
Response Brief

Oral argument has not been scheduled.

Dated: July 21, 2015

Respectfully submitted,

KAYE SCHOLER LLP

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